

NORTHERN SECURITIES
FILES BRIEF IN REPLY.

Morgan, Bacon and Lamont Claim
Merger Was a Lawful Purchase
Under New Jersey Charter.

Washington, Dec. 9.—A brief in behalf of Messrs. G. Pierpont Morgan, Robert Bacon and Daniel S. Lamont, appellants, with others in the case of the United States vs. the Northern Securities Company, was filed in the United States Supreme Court today by Attorney Francis Lynde Stetson and David Wilcox. They claim that the so-called merger was entirely lawful and may:

"These transactions have consisted merely in the organization of a lawful corporation in New Jersey, and in the sale and purchase by it of property lawfully salable. All acts done in relation to the organization of the Northern Securities Company and to the purchase by it of the shares of stock of the railway companies and to the sale thereof by the owners were expressly authorized by law.

"The legal effect of the transaction has been that each individual who has transferred his property to the securities company has obtained for it something, an interest in a company holding stock of the other railway company as well. It is manifest that this constituted a sale of the property."

"As construed and applied by the Circuit Court the antitrust act is unconstitutional, in that it discriminates against persons in the matter of property rights

and privileges on grounds that are purely arbitrary and without justification in reason."

"The decree of the Circuit Court transcending the authority of the court under the statute."

MAY BUILD ITS OWN TRACK.

Frisco Revives Plan for Entering New Orleans.

New York, Dec. 9.—A disagreement over the conditions under which the St. Louis and San Francisco Railroad was to have obtained track rights over the Iron Mountain into New Orleans is reported to have resulted in the revival of plans by the former company for building an independent line. Options on right-of-way are said to have been already renewed.

Negotiations looking to the use of the Iron Mountain between Memphis and Baton Rouge, La., have been under way about a year. It is understood that the Frisco officials would not agree, however, to abstain from seeking local traffic between the points mentioned, and it was upon this point that negotiations split.

Frisco already has invested a large sum in terminal properties at New Orleans.

HILL MAY BUILD ROAD.

Philippine Traffic Problem to Be Solved by Great Northern.

REPUBLIC SPECIAL.

Washington, Dec. 9.—James J. Hill, president of the Great Northern Railroad, may build the railroad which the government is anxious to have constructed in the Philippines. He has been in communication with War Department officials in that it discriminates against persons in the matter of property rights

work, which will cost, Secretary Root estimates, \$11,400,000.

The United States Government stands ready to lend general aid to whatever competent interests undertake the work. It is hoped some large financial interest will undertake it.

Several proposals for construction of the railroad have already been forwarded to Governor Taft.

"BIG FOUR" ASKS INJUNCTION.

To Prevent Scalping During World's Fair Period.

An injunction against the scalping of railroad tickets during the World's Fair period was asked for in the United States Circuit Court yesterday by the Cleveland, Cincinnati, Chicago and St. Louis Railway Company.

All the larger ticket brokers of the city are mentioned as defendants, and each and every member of cut-rate firms will have to appear in court to show reason why the injunction should not be granted.

The company alleges that on various occasions the Frisco already has invested a large sum in terminal properties at New Orleans.

The benefit of the injunction, if granted, be shared in by all railroads.

The big Fair is expected to draw exceptionally low rates to St. Louis during the Fair, but wishes to fix their excursion tickets, so that the return coupons from all outside points cannot be used by any one but the original purchaser.

In case the injunction is granted, the company declares in its petition, it will give tourists going to all points west of St. Louis standard privileges, making their fare from Eastern points at the regular Exposition excursion rate, providing they agree to continue on to their destination.

The company alleges that it will lose \$500 on each ticket broker during the World's Fair if they are allowed to buy and sell excursion tickets.

Injunctions are asked against Wagner, Schuchack, S. C. Schuchack, Simon Steiner, Billings & Leonard, E. J. Gilder, George L. Hirt, John J. Caffrey, Schuchack & Surg, the American Cut-Rate Ticket Company, Robert H. McCluskey and Walter S. Clinch.

NEW LISTINGS OF SECURITIES.

Frisco and Southern Place Bonds.

and Trust Certificates on "Change."

REPUBLIC SPECIAL.

New York, Dec. 9.—The following new listings of securities were made today by the Board of Governors of the New York Stock Exchange:

Southern Railway Company, \$700,000 additional Mobile and Ohio stock trust certificates, making a total of \$5,625,000.

Kansas City, Fort Scott and Memphis Railway, \$2,000,000 4 percent mortgage coupon bonds, making a total of \$14,950,000.

St. Louis and San Francisco Railroad, \$2,000,000 4 percent mortgage coupon bonds, making a total of \$14,950,000.

The condensed general balance sheet of the St. Louis and San Francisco Railroad on September 30 shows an asset of \$4,698,288 and a liability of \$4,698,288, compared with \$2,164,917, according to the balance sheet on June 30. A new issue of \$2,000,000 of 4 percent mortgage coupon bonds, making a total of \$14,950,000, was authorized on September 30.

The income account for the three months shows total gross earnings of \$9,274,924 and net income of \$1,115,415.

ST. LOUIS-PEORIA LINE.

(See C. & S. L.)

SOUTHERN RAILWAY.

ST. LOUIS-LOUISVILLE-CHICAGO.

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PRESBYTERIANS
WORK FOR UNION

Representatives of Four Branches
of the Church Meet at New
York to Formulate Plan.

New York, Dec. 9.—A joint committee of representatives of four branches of the Presbyterian faith met here today to discuss the question of church unity in accordance with a resolution passed by the General Synod of the Reformed Presbyterian Church at Philadelphia last year.

The meeting organized by electing Dr. J. P. Preston Searle chairman and Dr. James D. Steele secretary.

The subject of union was brought before the meeting in an informal interchange of views, followed by the submission of a formal proposition from the delegates of the Reformed Presbyterian Church, regarding matters in which concessions might be made by one or another of the churches.

The proposition was referred to the Executive Committee, with instructions to report to-morrow.

A letter was read, stating that the body generally known as the Presbyterian Church in the United States had decided to take part in the conference.

ARMENIAN PREACHER

SHOOT AT JUDGE.

Innocent Clergyman Has Written Many
Letters to President Roosevelt,
Singing Himself "Jesus Christ."

REPUBLIC SPECIAL.

Fresno, Cal., Dec. 9.—Agee Gazarian, an insane Armenian clergyman, today dashed suddenly into Superior Judge Austin's courtroom at the Court House, and, jerking a revolver from his pocket, fired point blank at the judge, who was on the bench at the time.

The same deputy Sheriff Faine and Court Clerk McCormick sprang over the railing and grappled with the maniac just as he raised his revolver above his head and pointed it toward himself.

Gazarian had been in court before and attempted to address the judge in the Armenian language. He was hustled from the room. It was about 10 o'clock when he returned. He rushed into the courtroom very excitedly, yelling loudly and before any one could stop him he drew a revolver and fired toward the judge.

Fortunately his aim was bad, the bullet striking into the floor at the judge's feet.

Over a year ago he began to write letters to prominent people, to the newspapers, to the Governor and even President Roosevelt, signing himself "Jesus Christ."

"DUCKING" OF TEACHER
CAUSES PNEUMONIA.

Refusal of Miss Sinclair to Tell Pa-
pilla Nature of "Treat" May
Cause Her Death.

REPUBLIC SPECIAL.

New York, Dec. 9.—A meeting of the American Association of General Passenger and Ticket Agents has been called for January 27 in St. Louis to discuss a plan for the "ducking" of teachers, which is to be open in that city next May.

The rates to be fixed by this association will apply to every point in the United States.

Railroad Notes.

—Waiah trains on the middle and western divisions have been notified that the December pay car will be out of the company from September 1, which will amount to 12 percent.

—The New York Central is at work on a pension plan under which employees will contribute 1 percent of their salaries to a fund which will be paid out to them on retirement.

—The Kansas City, Mexico and Orient Railroad has filed a mortgage for \$300,000 with the United States land office, and the company and contractors have already been placed with land manufacturers for 20,000 acres of land.

—P. L. Wing, for some years chief clerk of the general superintendent of the Missouri, Kansas and Texas, has been appointed agent for the Exposition, which is to be held in that city next May.

—A four-car "special" on the Pittsburg and Lake Shore, which carries the general superintendent of the Missouri, Kansas and Texas, has been appointed agent for the Exposition, which is to be held in that city next May.

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TILLMAN WANTS POWER
OF PRESIDENT DEFINED.

Proposes Resolution Which May Settle
Right to Make Appointments
Without Senate's Approval.

REPUBLIC SPECIAL.

Washington, Dec. 9.—Senator Tillman has drawn a resolution which he proposes to introduce, calling upon the Judiciary Committee to report upon the limit of the President's power in making appointments which require the consent of the Senate.

His object is to try and settle the disputed right of the President to continue in office Federal officials whose nominations are not confirmed by the Senate.

Many of the constitutional lawyers in Congress dispute the right of the President to continue in office such persons as Doctor Crum, the negro Collector at the Port of Charleston.

The Crum case has become something of a national issue, and it is claimed that the action of the President in continuing Crum in office is contrary to the clause in the Constitution which provides that certain appointments may be made by and with the consent of the Senate.

Senator Tillman holds that Doctor Crum is unlawfully performing the duties of Collector of the Port of Charleston, owing to the fact that the Senate has failed to confirm his nomination.

He claims that the President has no right to appoint persons to the same line now pending, and it is the intention of Senator Tillman to have the Judiciary Committee pose upon the subject, so that the constitutional limits which define the relations between the President and the Senate in regard to Federal appointments may be clearly understood.

HARLAN W. WHIPPLE

IS MADE PRESIDENT.

Scheme of Secretary of Automobile
Association, Make Tours to St.
Louis Fair Is Indorsed.

REPUBLIC SPECIAL.

New York, Dec. 9.—An announcement was made today by the secretary that the Board of Governors of the American Automobile Association had named Mr. Harlan W. Whipple of East Orange, N. J., for the presidency of that organization.

Messrs. Whipple and Gillette, the secretary, named a committee for the selection of other officers. The annual meeting and election will take place in Chicago during the Automobile Show in that city, in February.

Mr. Gillette was the recipient today of many congratulations for having obtained the indorsement of the association of his scheme of great simultaneous automobile tours to the St. Louis Fair in 1904. He has been quietly working on the plans of the scheme for several weeks, and support already has been assured from automobile owners all over the country.

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